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### REMARKS

The issues outstanding in the instant application are as follows:

- Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Drake, Jr. et al. (US 5,461,611).
- Claims 1-9 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rappaport et al (US 2004/0259555).
- Claims 2-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Drake, Jr. et al.
- Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. (US 2004/0047323) in view of Drake et al.
- Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. in view of Drake et al. and further in view of Jollota et al. (US 2004/0142699).

### Amendments to the Claims

Claims 1-9 have been canceled.

Claim 10 has been amended to incorporate the subject matter of claim 13; claim 13 has been canceled.

Claim 11 has been amended to correct a typographical error.

Claim 14 has been amended to update its dependency in light of the cancellation of claim 13.

Claim 16 has been amended to update its antecedent basis in light of the amendment to claim 10.

Claims 24-27 have been canceled.

No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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35 U.S.C. § 102(b) - Drake

Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Drake, Jr. et al. (US 5,461,611). Claims 1 and 7 have been canceled. Reconsideration and withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by Drake is respectfully requested.

35 U.S.C. § 102(b) - Rappaport

Claims 1-9 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rappaport et al. (US 2004/0259555). Claims 1-9 and 24-27 have been canceled. Reconsideration and withdrawal of the rejection of claims 1-9 and 24-27 under 35 U.S.C. § 102(b) as being anticipated by Rappaport is respectfully requested.

35 U.S.C. § 103(a) - Drake

Claims 2-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Drake, Jr. et al. Claims 2-6 and 8-9 have been canceled. Reconsideration and withdrawal of the rejection of claims 2-6 and 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Drake is respectfully requested.

35 U.S.C. § 103(a) - Park and Drake

Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. (US 2004/0047323) in view of Drake, Jr. et al.

Park considers a procedure of selecting a WLAN system in a mobile terminal. FIG. 3 of Park shows periodically measuring signal strength of a WLAN channel (S100), comparing the measured signal strength to a reference value (S104), and selecting an access system according to the signal strength measured in S100 (S105). Park paragraph [0030].

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Drake is concerned with quality of service management in local area networks. FIG. 3 of Drake shows a proposed quality of service message with a header field 50, routing fields 51, a source address field 52, a destination address field 53, a data stream descriptors field 54, a desired quality of service specification field 55, and a minimum quality of service specification field 56. See Drake column 9 line 64 through column 10 line 8.

Claim 10 has been amended to incorporate original claim 13; original claim 13 has been canceled. Note that Park measures the signal strength of the WLAN channel itself, not signal strength of an associated signal or channel. Compare Park with page 5 lines 23-27 of the originally-filed specification. The reason that the Examiner was unable to find a reference showing "multiplying  $C/I_{PICH}$  by a spreading factor  $S$  and the  $D2P$ " to form a calculated quality indicator " $E_b/N_t$ " as recited in original claim 13 (and now incorporated into amended claim 10) is because the calculated quality indicator " $E_b/N_t$ " is an *estimate* of the quality of the broadcast channel associated with the measured  $C/I_{PICH}$  and not the measured quality of the broadcast channel itself.

Although the Examiner takes Official Notice of it (which Applicant disputes), it would make no sense to measure a quality of a channel and then algebraically manipulate it to create an estimate of the quality of the channel. The measured quality of the channel would be the quality of the channel as shown intrinsically by both Park and Drake – where the measured quality of the channel (and not an algebraically manipulated version of the measured quality of the channel) is compared to a reference value.

Neither Park nor Drake shows or suggests "measuring a pilot signal-to-noise ratio ( $C/I_{PICH}$ ) of an associated signal to form a calculated quality indicator " $E_b/N_t$ " by multiplying  $C/I_{PICH}$  by a spreading factor  $S$  and the  $D2P$ " as recited in amended claim 10. Thus, claim 10 is patentable over Park and Drake. Claims 11-12 and 14-20 depend directly or indirectly upon Independent claim 10 and, thus, are also patentable over Park and Drake. Claim 13 has been canceled. Reconsideration and withdrawal of the

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rejection of claims 10-20 under 35 U.S.C. § 103(a) as being unpatentable over Park and Drake is respectfully requested.

35 U.S.C. § 103(a) - Park, Drake, and Jollota

Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. in view of Drake, Jr. et al. and further in view of Jollota et al. (US 2004/0142699). Jollota, like Park and Drake, directly measures the link quality of a signal or channel under consideration and does not measure the link quality of an associated signal or channel and estimate the quality of the channel under consideration using an estimation equation as described in amended claim 10.

Claims 21-23 depend directly or indirectly upon independent claim 10. None of Park, Drake, or Jollota show or suggest the step of "measuring a pilot signal-to-noise ratio ( $C/I_{PICH}$ ) of an associated signal to form a calculated quality indicator ' $E_b/N_t$ ' by multiplying  $C/I_{PICH}$  by a spreading factor  $S$  and the D2P" as recited in amended claim 10. Thus, claims 21-23 are patentable over Park, Drake, and Jollota. Reconsideration and withdrawal of the rejection of claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Park, Drake, and Jollota is respectfully requested.

SUMMARY

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

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Please charge any fees associated herewith, including extension of time fees, to  
**Deposit Account 502117.**

Respectfully submitted,

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